

REMARKS

In the Office Action dated March 19, 2009, claims 37, 42-43, 47 and 52-55 are pending and examined. Claims 37, 42, 43, 47, 52 and 54 are allowed. Claims 53 and 55 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

This Response addresses the Examiner's rejections and summarizes the substance of the telephone interviews conducted on November 5, 2008 and July 3, 2009. Applicants therefore respectfully submit that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

Statement of Substance of Interviews

A telephone interview was conducted on November 5, 2008 between Applicants' representatives and the Examiner. The written description rejection of claims 52 and 53 as set forth in the Office Action dated August 1, 2008 was discussed. Applicants' representatives submitted that the disclosure in the specification, when considered by one skilled in the art, adequately describes the polypeptides claimed in claims 52 and 53. Applicants' representatives further indicated that a declaration may be submitted in support of Applicants' position.

A telephone interview was also conducted on July 3, 2009 between the undersigned attorney and the Examiner to discuss the rejection of claims 53 and 55 as set forth in the pending Office Action dated March 19, 2009. The statement on page 3 of the Office Action was discussed, which states "[t]hose skilled artisan would recognize that a "soluble form" is a genus that includes any variant of SEQ ID NO: 4 that is mutated to render the protein soluble (such as by deleting all or part of the transmembrane domain), and thus does not refer to any

specific sequence." The undersigned attorney also verbally proposed possible alternative claim language to address the rejection. The Examiner indicated that he would need to review the case fully in order to determine his position.

35 U.S.C. §112, First Paragraph

In the pending Office Action, claims 53 and 55 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner maintains that the specification does not teach an isolated polypeptide consisting of amino acids 28-342 of SEQ ID NO: 4, or derivatives of an IL-13 receptor α -chain that comprises amino acids 28-342 of SEQ ID NO: 4.

In an effort to expedite allowance of the application, Applicants have canceled claims 53 and 55 by way of the instant amendment, rendering the rejection moot. Applicants reserve the rights to pursue the subject matter of claims 53 and 55 in a continuation application.

Conclusion

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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